IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1687 OF 2005
WITH
CIVIL APPLICATION NO.3927 OF 2005

Prakash R. Patel. ..Appellant.

V/s.

The Municipal Corpn.of Gr.Mumbai..Respondent.

Mrs. N.S.Moily for appellant.

Mr.Xavier for Respondent-BMC.

CORAM: A.M.KHANWILKAR,J
DATE : JANUARY 18, 2006.

P.C. :

1. Heard counsel for the parties.

2. Counsel for the appellant submits that the appellant is still willing to comply with all the formalities which will be required for regularising the offending structure including by submitting fresh proposal in the format required by the relevant rules to the appropriate authority. In the circumstances, as no other argument is raised before this court, appeal is disposed of with direction that the appellant shall submit appropriate proposal through the licensed architect or engineer addressed to Executive Engineer, Building Proposal, Western suburban, Bandra within three weeks from today. On

submission of such proposal, appropriate authority will decide the same in accordance with the law, preferably within three weeks from the receipt thereof.

3. Till the proposal is finally disposed of no precipitative action in respect of the suit structure should be undertaken. The appellant shall maintain status quo with regard to the suit structure till further orders to be passed by the appropriate authority.

4. If the appellant fails to submit appropriate proposal on the above terms within three weeks as aforesaid, it will be open to the respondent to proceed against the offending structure in accordance with the law.